



## NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

# REPORT

WINTER 2013

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### Paul, Barnhill Reappointed to Licensing Board

Governor Beverly Eaves Perdue has reappointed Allen Barnhill and Cleve Paul to the Licensing Board for second five-year terms. Mr. Paul's term expires December 31, 2016 and Mr. Barnhill's term ends December 31, 2017.

Mr. Paul, who was elected Chairman of the Licensing Board at the April 2012 meeting, has over 45 years experience in the construction industry, including estimating, field operations, contract administration and cost accounting. He received his BS degree in Business Administration from East Carolina University in 1970. In 1977, he joined D.S. Simmons, Inc., a Goldsboro commercial construction firm and was named Vice President in 1980. In 1989, he was named D.S. Simmons' President and CEO. Mr. Paul is currently a member and officer with Carolinas Associated General Contractors and was Chairman and Vice Chairman of the NC State Building Commission. He is a member of the advisory board of the Construction Management Program at East Carolina University. Mr. Paul serves as the commercial building contractor designated member of the Licensing Board.

(CONTINUED ON PAGE 2)

### *New Rule Applicable to Limited License Applicants*

### Amended Rule Provides Alternative Financial Responsibility Standard

A rule approved by the NC Rules Review Commission in October 2012 will provide applicants for a limited license an alternative means to demonstrate financial responsibility to the Board. The new rule takes effect on April 1, 2013, at which time "total net worth" may be used by limited license applicants (for original license or renewal) as an alternative to the current working capital standard. Once the rule becomes effective, limited license applicants may meet the statutory requirement to demonstrate financial responsibility by using net worth in lieu of working capital. The threshold or minimum net worth required in order to demonstrate financial responsibility using this standard will be \$80,000.

(CONTINUED ON PAGE 2)



### LICENSING BOARD CALENDAR

#### January 1, 2013

New Year's Day  
Board Office Closed

#### January 21, 2013

Martin Luther King Jr.'s Birthday  
Board Office Closed

#### January 23, 2013

Regular Board Meeting

#### March 29, 2013

Good Friday  
Board Office Closed

#### April 10, 2013

Regular Board Meeting

#### May 27, 2013

Memorial Day  
Board Office Closed

#### July 4, 2013

Independence Day  
Board Office Closed

#### July 17, 2013

Regular Board Meeting

#### September 2, 2013

Labor Day  
Board Office Closed

#### October 9, 2013

Regular Board Meeting

(Board Meeting dates are subject to change)



## NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

5400 Creedmoor Road  
P.O. Box 17187  
Raleigh, NC 27619  
Phone: 919.571.4183  
Fax: 919.571.4703  
[www.nclbgc.org](http://www.nclbgc.org)

### BOARD MEMBERS

Cleve Paul, Chairman, Goldsboro  
Leslie Silverstein, Vice-Chairman, Raleigh  
Allen Barnhill, Tarboro  
Rex Bost, Cary  
Bobby Lasater, P.E., Cary  
Susan J. Monroe, Fayetteville  
Jerry Smith, Goldsboro  
Larry Watson, Blowing Rock  
Carl E. Worsley, Nags Head

### ADMINISTRATION

Mark Selph, Secretary-Treasurer  
Nancy G. Routh, Associate  
Sec.-Treasurer  
Frances McDonald, Licensing Manager  
Debbie Price, Administrative Assistant  
Cherie Sutton, License  
Renewal Manager  
Connie Bartlett, Recovery  
Fund/Renewals  
Brenda Spence, Reception  
Pam Tew, Licensing  
Mozelle Hicks, Renewals  
Amanda Carter, Licensing

### INVESTIGATIONS

Susan Sullivan,  
Complaints Administrator  
Michael Silver, Senior Inv., Western  
Joel Macon, Field Inv./South Coastal  
Mike Brown, Field Inv./North Coastal  
Kenneth McCombs, Field Inv/  
South Central  
Curtis Huff, Field Inv./North Central

## Paul, Barnhill Reappointed

(CONTINUED FROM PAGE 1)

Mr. Barnhill, a Tarboro native, joined Barnhill Contracting Company in 1977. In 2006 he became Senior Vice President of Barnhill Contracting and manages all aspects of the grading and paving operations of the Tarboro/Rocky Mount, Northeast and Brunswick divisions of Barnhill. He is a graduate of North Carolina State University where he earned a degree in Civil Engineering. Barnhill is a member of the Carolinas Asphalt Paving Association and Carolinas Associated General Contractors. He is also a past member of the North Carolina Sedimentation Control Commission. Mr. Barnhill serves as the highway contractor designated member of the Licensing Board.

## Amended Rule

(CONTINUED FROM PAGE 1)

Current licensing board financial responsibility rules for limited license holders require that an applicant's working capital be at least seventeen thousand dollars (\$17,000). Rule .0204(a)(2) defines the amount of working capital as total current assets minus total current liabilities.

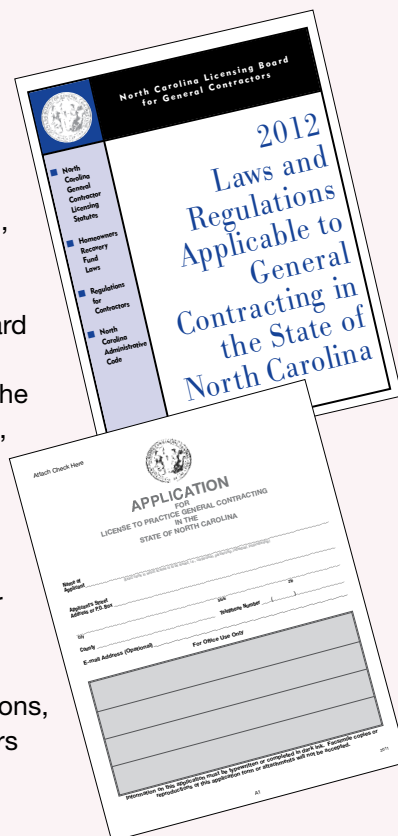
The new rule, 21 NCAC 12.0204, is published on the Licensing Board's website at [www.nclbgc.org](http://www.nclbgc.org).

Click on 'Laws and Regulations' to view amended .0204.

## New Delivery Address for Applications, License Renewals

With the Board's recent office relocation, the physical address for mailing or delivering applications, annual renewals or correspondence to the Licensing Board has changed. The new address is 5400 Creedmoor Road, Raleigh, NC 27612. The Board's post office box (P.O. Box 17187, Raleigh, NC 27619) remains the same. The Board's fax number (919.571.4703) and main number (919.571-4183) also have not changed.

For the most recent changes, news or forms, please visit the Board's website, [www.nclbgc.org](http://www.nclbgc.org). The website offers current versions of the Board's publications, laws, application forms and Homeowners Recovery Fund claim forms.



## LEED Gold Certification for Board Headquarters Building

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The Licensing Board for General Contractors' office building in Raleigh has achieved LEED (Leadership in Energy and Environmental Design) certification as verified by the U.S. Green Building Council in September. The building earned the Gold level of certification established by the U.S. Green Building Council, based on the building's final approved points earned under the LEED for New Construction rating system.

The Board occupied the completed 20,000 square foot building in October 2010.

Building projects earn LEED certification based on a new construction checklist and credits evaluated and reviewed under the LEED Green Building Rating System. LEED certification is widely identified as an example of sustainable design in the building industry.





# Disciplinary Action

(The following Board Orders and other Board disciplinary actions reported here are not a complete summary of all activity or a full representation of each case. Every effort is made for accuracy, but such is not guaranteed. Questions or requests for additional information about specific cases should be referred to the Board's Legal Section.)

## Final Decisions

**Combs Construction, LLC and Albert Allen Combs, as Qualifier** (Henderson County; 10 C 236) License No. 38689. A disciplinary hearing was conducted on May 9, 2012 and the Final Decision was entered on May 14, 2012. Combs Construction, Inc. was issued a limited residential license on March 18, 1997. The limitation was increased to unlimited on July 26, 2006. The license converted from a corporation to an LLC on February 1, 2007,

and the classification was changed to building on February 7, 2007. The license was last renewed on January 2, 2010 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute misconduct in the practice of general contracting. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and

constitute misconduct in the practice of general contracting. The actions of Respondent Licensee constitute fraud and deceit in obtaining a license. The actions of Respondent Licensee are directly attributable to Respondent Qualifier and constitute fraud and deceit in obtaining a license. The license of the Respondent Licensee and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation

## Definitions

**Consent Order:** An order of the Board resulting from an agreement between the Board and a licensee regarding the revocation or suspension of the license to practice general contracting, or the conditions, limitations or restrictions placed on that license. This is a method of resolving or settling disciplinary or contested cases in lieu of a disciplinary hearing.

**Revocation:** A Board action which permanently terminates a license by effectively withdrawing that license to practice general contracting.

**Suspension:** A Board action which inactivates a license to practice general contracting for a set period of time.

**Dismissal/Voluntary Dismissal:** A Board action dismissing a contested case, resulting in no disciplinary action against the licensee or Respondent.

**Voluntary Surrender:** A licensee's relinquishing or tendering of the license to practice general contracting, pending an investigation or other action by the Board.

**Reprimand:** A Board action wherein the licensee and/or qualifier is/are reprimanded for disciplinary purposes. The Reprimand becomes a permanent record in the file and is subject to approval by the licensee/qualifier in lieu of being referred to the full Board for formal proceedings.

**Admission of Violation:** A document signed by a licensee who admits to the stated violations, agrees not to repeat them, but acknowledges that the Board may use the document against the licensee prospectively should such action become necessary.

**Injunction:** A Superior Court order entered against an unlicensed contractor who is illegally practicing general contracting. Such an order stops the illegal practice and can be obtained by consent of a cooperating contractor or by default judgment; violation of the injunction is contempt of court.

**Code:** Provisions of the North Carolina State Building Code (Residential/Vol. VII and previous editions; General Construction/Vol. I).

or any other organization or combination, are hereby revoked.

Eddie Carroll Hudson and Eddie Carroll Hudson, as Qualifier (Buncombe County, 10 C 310) License No. 14658. A disciplinary hearing was conducted on February 8, 2012 and the Final Decision was entered on February 16, 2012. Eddie Carroll Hudson was issued a limited residential license on January 19, 1983. The license was last renewed on January 1, 2010 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute gross negligence, incompetency, and/or misconduct in the practice of general contracting. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and constitute gross negligence, incompetency, and/or misconduct in the practice of general contracting. The license of the Respondent Licensee and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination, are hereby revoked.

Michael Shew t/a Michael Shew Construction and Michael Lloyd Shew, as Qualifier (Caldwell County, 10 C 243) License No. 57511. A disciplinary hearing was conducted on May 9, 2012 and the Final Decision was entered on May 14, 2012. Combs Construction, Inc. was issued a limited residential license on April 11, 2005. The license was last renewed on October 20, 2010 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute misconduct in the practice of general contracting. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and constitute misconduct in the practice of general contracting. The license of the Respondent Licensee and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination, are hereby revoked.

Reeger Builders, Inc. and Richard Bennett Reeger, as Qualifier (Gaston County, 10 C 79) License No. 19315. A disciplinary hearing

was conducted on November 9, 2011 and the Final Decision was entered on February 16, 2012. Reeger Builders, Inc. was issued a limited residential license on November 20, 1985. The limitation was increased to intermediate on January 20, 1988. The license was last renewed on January 25, 2010 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute misconduct. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and constitute misconduct. The license of the Respondent Licensee and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination, are hereby revoked.

Southern Appalachian Builders, Inc. and Brandon Curtis Wilson, as Qualifier (Macon County, 09 C 171) License No. 64594. A disciplinary hearing was conducted on February 8, 2012 and the Final Decision was entered on February 16, 2012. Southern Appalachian Builders, Inc.





was issued a limited building license on October 4, 2007. The license was last renewed on January 30, 2009 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute gross negligence, incompetency, and/or misconduct in the practice of general contracting. The actions of Respondent Licensee are directly attributable to and/or were committed by Respondent Qualifier and constitute gross negligence, incompetency, and/or misconduct in the practice of general contracting. The license of the Respondent

Licensee and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination, are hereby revoked.

## Consent Orders (Licensees)

**B. Moore Construction, Inc. and Gary Bradford Moore, Jr. and Stephen Robert Ruhl, as Qualifiers** (Mecklenburg County, 11 C 155) License No. 61461. On July 18, 2012, the Board entered into a Consent

Order with B. Moore Construction, Inc., as Respondent Licensee, in which the Respondent Licensee consented that the license be reprimanded. Gary Bradford Moore, Jr. as Qualifier, and Stephen Robert Ruhl, as Qualifier each signed a Statement of Consent agreeing to the same terms and conditions set forth in the Consent Order consented to by Respondent Licensee.

David Earl Jones and David Earl Jones, as Qualifier (Hertford County, 09 C 259) License No. 63771. On January 25, 2012, the Board entered into a Consent Order with David Earl Jones, as Respondent Licensee, in which the Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the license was conditionally restored following a six (6) month period of active suspension. Respondent Licensee consented to take the Contractor Education Services, LLC course and submit to the Board written proof of satisfactory completion of the course within one (1) year from the Effective Date of the Order. David Earl Jones, as Respondent Qualifier, entered into a Consent Order agreeing to the same terms as those consented to by the Respondent Licensee.

Derrick M. Bennett and Derrick M. Bennett, as Qualifier (Bertie County, 11 C 61) License No. 54575. On October 10, 2012, the Board entered into a Consent Order with Derrick M. Bennett, as Respondent Licensee, in which the Respondent Licensee consented to a twelve (12) month suspension to commence upon the Effective Date of the Order. With consent of Respondent Licensee, the suspension was conditionally restored following a sixty (60) day period of active suspension which shall commence on the Effective Date of the Consent Order.



The Board also entered into a Consent Order with Derrick M. Bennett, as Qualifier, in which he consented to a twelve (12) month suspension of his examination credentials commencing upon the Effective Date of the Order. With consent of Respondent Qualifier, the suspension was conditionally restored following a sixty (60) day period of active suspension which shall commence on the Effective Date of the Consent Order. Respondent Licensee and Respondent Qualifier consented to take course BM201 entitled "Basic Business Planning" offered by the NC Homebuilders Association, Home Builders Institute and submit to the Board written proof of satisfactory completion of the course within one (1) year from the Effective Date of the Order.

Eagle Crest Construction, Inc. and Nicholas James Shelton, as Qualifier (Guilford County, 10 C 120 and 10 C 165) License No. 46776. On January 25, 2012, the Board

entered into a Consent Order with Eagle Crest Construction, Inc., as Respondent Licensee, in which the Respondent Licensee consented to its license being admonished. Nicholas James Shelton, as Respondent Qualifier, entered into a Consent Order in which he consented to his examination credentials being admonished. Respondent Licensee and Respondent Qualifier consented to take a Contractor's Business Management Course offered by the Contractor's Education Services, LLC and submit to the Board written proof of satisfactory completion of the course within one (1) year from the effective date of the Order.

Hinson Custom Homes, Inc. and John David Hinson, Jr., as Qualifier (Orange County, 10 C 140) License No. 56202. On January 25, 2012, the Board entered into a Consent Order with Hinson Custom Homes, Inc., as Respondent Licensee, in which the Respondent Licensee consented to

a twelve (12) month suspension to commence upon the Effective Date of the Order. The Respondent Licensee consented to a stay of the suspension and the licensee was conditionally restored. The Board also entered into a Consent Order with John David Hinson, Jr., as Qualifier, in which he consented to a twelve (12) month suspension of his examination credentials commencing upon the Effective Date of the Order. The suspension was stayed and the examination credentials were conditionally restored.

Insight Development, LLC and John Edward Evans, Jr., as Qualifier (Pender County, 10 C 305) License No. 69086. On April 11, 2012, the Board entered into a Consent Order with Insight Development, LLC, as Respondent Licensee, in which the Respondent Licensee consented to a twenty-four (24) month period of suspension commencing upon the Effective Date of the Consent Order. By consent, the suspension



was stayed and the license was conditionally restored following a one (1) month period of active suspension. Respondent Licensee consented to take a Contractor's Business Management Course offered by the Contractor's Education Services, LLC and submit to the Board written proof of satisfactory completion of the course within 12 months from the effective date of the Order. John Edward Evans, Jr., as Respondent Qualifier, entered into a Consent Order agreeing to the same terms as those consented to by the Respondent Licensee.

James Frederick Davis and James Frederick Davis, as Qualifier (Transylvania County, 10 C 244) License No. 12156. On April 11, 2012, the Board entered into a Consent Order with James Frederick Davis, as Respondent Licensee, in which the Respondent Licensee consented to a twelve (12) month period of suspension commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the license conditionally restored. Respondent Licensee consented to take a Contractor's

Business Management Course offered by the Contractor's Education Services, LLC and submit to the Board written proof of satisfactory completion of the course within 12 months from the Effective Date of the Order. James Frederick Davis, as Respondent Qualifier, entered into a Consent Order agreeing to the same terms as those consented to by the Respondent Licensee.

Lee Fitzgerald Cowper, Lee F. Cowper, Inc. and Lee F. Cowper, as Qualifier (New Hanover County, 11 C 22) License No. 34057 (Lee F. Cowper Inc.) and License No. 15352 (Lee Fitzgerald Cowper). On July 18, 2012, the Board entered into a Consent Order in which Respondent Licensees 34057 and 15352 consented to a twenty-four (24) month period of suspension commencing upon the Effective Date of the Consent Order. With the Consent of Respondent Licensees, the suspension was conditionally restored following a six (6) month period of active suspension. Within six (6) months from the Effective Date of the Consent Order and pursuant to G.S. 87-11(e), Respondent Licensee consented to

pay jointly with all other Respondents \$2,000.00 cost recovery to the Board. Lee F. Cowper, as Qualifier, entered into a Consent Order agreeing to the same terms as those consented to by the Respondent Licensees.

Michael Maneth t/a Great Smoky Mountains Builders and Michael Maneth, as Qualifier (Macon County, 10 C 69 and 10 C 75) License No. 48708. On April 11, 2012, the Board entered into a Consent Order with Michael Maneth t/a Great Smoky Mountains Builders, Respondent Licensee, in which the Respondent Licensee consented to a twelve (12) month period of suspension commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension was conditionally restored following a four (4) month period of active suspension. The Board entered into a Consent Order with Michael Maneth, as Qualifier, in which he consented to a twelve (12) month suspension of his examination credentials beginning the Effective Date of the Consent Order. With Respondent Qualifier's consent, the examination credentials were conditionally restored







following a four (4) month period of active suspension. Within twelve (12) months of the Effective Date of the Consent Order, Respondent Licensee and Respondent Qualifier consented to pay \$500.00 cost recovery to the Board and take a Contractor's Business Management Course offered by the Contractor's Education Services, LLC and submit to the Board written proof of satisfactory completion of the course.

Parker Custom Building, Inc. and Robert F. Parker, as Qualifier (Vance County, 11 C 48) License No. 60437. On October 10, 2012, the Board entered into a Consent Order with Parker Custom Building, Inc., as Respondent Licensee, in which Respondent Licensee consented to a six (6) month period of suspension commencing upon the Effective Date of the Consent Order. Within 180 days from the Effective Date of this Consent Order, Respondent Licensee consented to pay jointly with all parties \$1,000.00 cost recovery to the Board. Robert F. Parker, as Respondent Qualifier, entered into a Consent Order agreeing to

the same terms as those consented to by the Respondent Licensee.

Scott Mathis and Scott Mathis, as Qualifier (Transylvania County, 10 C 315) License No. 61288. On April 11, 2012, the Board entered into a Consent Order with Scott Mathis, as Respondent Licensee, in which the Respondent Licensee consented to a twelve (12) month period of suspension commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the license was conditionally restored. Respondent Licensee consented to take a Contractor's Business Management Course offered by the Contractor's Education Services, LLC and submit to the Board written proof of satisfactory completion of the course within 12 months from the Effective Date of the Order. Scott Mathis, as Qualifier, entered into a Consent Order agreeing to the same terms as those consented to by the Respondent Licensee.

Sifford Construction, LLC and Robert Neal Sifford, as Qualifier (Rowan County, 11 C 13) License

No. 62396. On July 18, 2012, the Board entered into a Consent Order with Sifford Construction, LLC, as Respondent Licensee, in which the Respondent Licensee consented to a twelve (12) month period of suspension commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the license was conditionally restored. Respondent Licensee consented to take the following two (2) courses offered by the NC Builder Institute: BM104 – Construction Contracts and Preventative Law (8 hours) and LD 302 – Ethics and Principles: Liabilities or Assets (8 hours) and submit to the Board written proof of satisfactory completion of the course within twelve (12) months from the Effective Date of the Order. Robert Neal Sifford, as Respondent Qualifier, entered into a Consent Order agreeing to the same terms as those consented to by the Respondent Licensee.

Sydney L. Lewis t/a Lewis and Lewis Builders and Sydney L. Lewis, as Qualifier (Rowan County, 11 C 09) License No. 39664. On July 18, 2012, the Board entered into a



Consent Order with Sydney L. Lewis t/a Lewis and Lewis Builders, as Respondent Licensee, in which the Respondent Licensee consented to a twelve (12) month period of suspension commencing upon the Effective Date of the Consent Order. By consent, the suspension was stayed and the license was conditionally restored following a three (3) month period of active suspension. Respondent Licensee consented to take a Level I Building Code course offered by the North Carolina Department of Insurance or an equivalent course dealing with the North Carolina State Residential Building Code and submit to the Board written proof of satisfactory completion of the course within twelve (12) months from the Effective Date of the Order. Sydney L. Lewis, as Respondent Qualifier, entered into a Consent Order agreeing to the same terms as those consented to by the Respondent Licensee.

## Consent Orders (Unlicensed Contractors)

Permanent Injunctions were obtained by entry of a Consent Order in Wake County Superior Court concerning each of the following unlicensed contractors who practiced general contracting in an amount of \$30,000 or more, in violation of N.C.G.S. § 87-13, but who agreed to be enjoined, paid court costs and service fees and cooperated with the Board in the matter.

**Peter Phelps d/b/a Sun Stuff of Asheville** (Buncombe County; 10C279). On April 30, 2009, Peter Phelps contracted to install a swimming pool kit as part of the construction of a new home in Weaverville. The homeowner alleged that this contract was for a cost in excess of \$30,000.00. Mr. Phelps denied that he engaged in the unauthorized

practice of general contracting but was willing to enter into the Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 14, 2011.

Gilbert Wayne Miller (Rowan County; 10C311). On July 27, 2010, Gilbert Wayne Miller contracted to supervise and manage the turn-key construction of two homes in Rowan County, where the cost of each home exceeded \$30,000.00. Mr. Miller was unaware that his actions would be deemed the unauthorized practice of general contracting as a licensed general contractor actually performed the construction. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 18, 2011.





Carolina Windows and Doors, Inc. (Pitt County; 11C60). In May 2010, Carolina Windows and Doors, Inc. contracted with a homeowner to supply doors, windows and labor to create an office by enclosing a deck on the second floor a home located in Carteret County. The scope of the project expanded, and the company ultimately performed the work to enclose the decks on three stories of the home for a cost in excess of \$30,000.00. The company hired an engineer to inspect the work and was unaware that its actions would be considered the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on December 9, 2011.

**SunEnergy 1, LLC and SunEnergy Solar Roofing LLC** (Iredell County; 11C88). On November 22, 2010, SunEnergy 1, LLC contracted with Shoe Show, Inc. to install a 1.65 mega watt rooftop Solar Photovoltaic system on the rooftop of the Shoe Show, Inc. distribution center in Concord for a cost in excess of \$30,000.00.

On December 22, 2010, SunEnergy Solar Roofing LLC contracted with Shoe Show, Inc. to construct a 725kW Solar Photovoltaic system and replace approximately 106,000 square feet of roofing on a facility located in Concord where the cost exceeded \$30,000.00. At the time of the contract, the company employed a licensed general contractor, but the contract for the roofing with the customer was not directly with this individual. The companies were unaware that their actions could be deemed as unauthorized practice of general contracting because SunEnergy Solar Roofing LLC subcontracted some of the work to a licensed general contractor. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of

the Consent Order. A Consent Order was entered on December 9, 2011.

**Gerald Wahl and Gerald Wahl Construction, Inc.** (Cabarrus County; 11C74). On March 23, 2011, Gerald Wahl altered a license certificate issued to “Marvin Martin Fleharty t/a America’s Unique Homes” to read “Marvin Martin Fleharty t/a Gerald Wahl construction, Inc.” and submitted the altered license certificate to a member of the Neighborhood

Assistance Corporation of America for approval to perform work. Gerald Wahl instigated Gerald Wahl Construction Inc.’s impersonation of a licensed general contractor. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on December 16, 2011.



Manchester Courts, LLC (South Carolina; 09C318). Manchester Courts, LLC was requested to provide pricing information for the construction of four tennis courts by the North Hills Club. On August 7, 2009, the company provided said pricing information in alternative amounts exceeding \$30,000.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 30, 2012.

Douglas Pinner (Buncombe County; 11C81). The Board contended that Douglas Pinner contracted to move a home he owned from Fletcher, North Carolina to Mills River, North Carolina and install and remodel the home for a total cost of \$155,400.00. Mr. Pinner denied that he engaged in the unauthorized practice of general contracting but was willing to enter into the Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 30, 2012.

Edward Holman and EC Restoration, Inc. (Carteret County; 10C276). On December 28, 2009, Edward Holman and EC Restoration, Inc. contracted to repair and renovate a home in Onslow County for a cost in excess of \$30,000.00. They denied that they engaged in the unauthorized practice of general contracting but were willing to enter into the Consent Order to resolve the case. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on June 12, 2012.

McNeill Water & Wastewater, Inc. (Georgia; 09C161). On February 25, 2009, McNeill Water & Wastewater, Inc. contracted to furnish and install

a precast concrete wastewater treatment plant and perform site related work for a cost in excess of \$30,000.00. The company denied that it engaged in the unauthorized practice of general contracting. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 11, 2012.

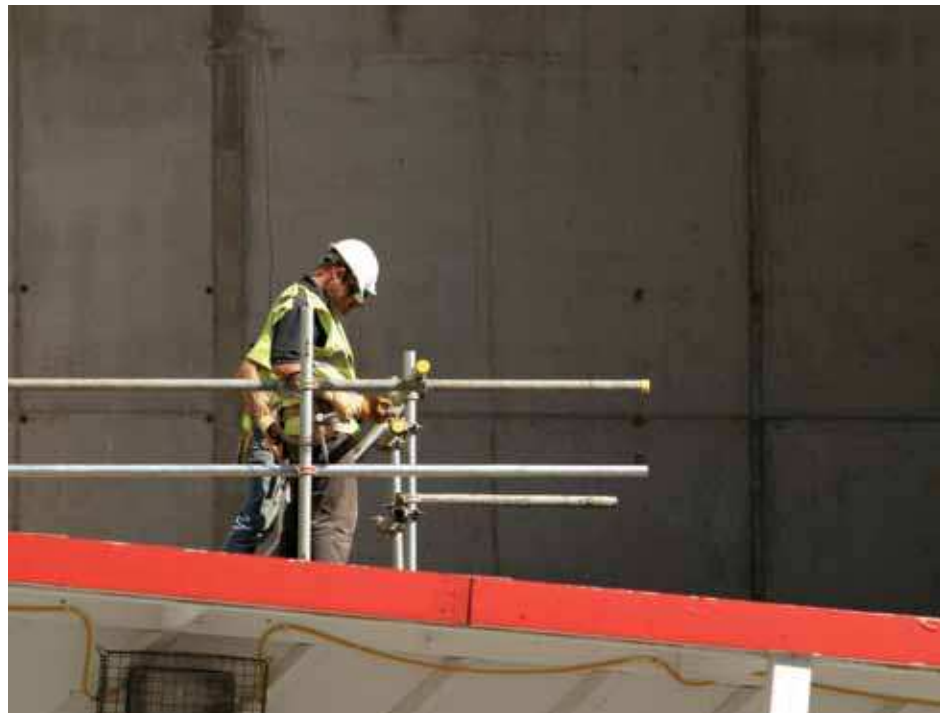
Larry Drum d/b/a Drum's Metal (Caldwell County; 11C185). Larry Drum d/b/a Drum's Metal agreed to replace a roof on a commercial building in Kings Mountain for a cost of \$48,500.00. Mr. Drum thereafter undertook the work. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 24, 2012.

Raymond Timber Homes, LLC (Watauga County; 11C231). On July 13, 2009, Raymond Timber Homes, LLC entered into a Residential Construction Contract to construct a home in Watauga County for a cost of

\$800,000.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 25, 2012.

Brad Miller and Greg Miller d/b/a High Country Construction Company; and V Form Incorporated d/b/a High Country Construction Company (Alleghany County; 11C139). On January 12, 2008, Brad Miller, Greg Miller, and V Form Incorporated provided an estimate to renovate and repair a home in West Jefferson for a cost of \$143,884.61. They thereafter undertook construction and were paid well in excess of \$30,000.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on August 9, 2012.

Andrew Clay (Chowan County; 12C06). Andrew Clay provided an estimate and undertook renovations to a home in Edenton for a cost in excess of \$30,000.00. Mr. Clay believed that the homeowner was acting as the general contractor for the project. Mr.







Clay denied that he engaged in the unauthorized practice of general contracting. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on August 30, 2012.

Donald Wayne Willis d/b/a Willis Enterprises (Pitt County; 12C45). On October 7, 2011, Donald Wayne Willis contracted to repair a storm damaged home in Ayden for a cost of \$28,500.00. Thereafter, Mr. Willis undertook the work and was paid \$30,700.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on September 14, 2012.

Don Schneider d/b/a RGB Construction (Mecklenburg County; 11C140). On November 2, 2010, Don Schneider d/b/a RGB Construction obtained a building permit to construct an addition onto a home in Matthews for a cost of \$89,000.00. Mr. Schneider listed Diamond Restoration, LLC, a licensed general contractor, on the building permit application for the project without Diamond Restoration, LLC's consent. On November 4 and 5, 2010, Mr. Schneider submitted "Contract/Proposals" to the homeowners for costs of \$149,700.00

and \$156,200.00 respectively. He undertook the construction project and was paid \$175,000.00. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on September 28, 2012.

## Unlicensed Contractor Cases—Injunctions

Permanent Injunctions were obtained by entry of a Default Judgment or a Summary Judgment in Wake County Superior Court against each of the unlicensed contractors listed below for practicing general contracting in an amount of \$30,000 or more, in violation of N.C.G.S. § 87-13. In some instances, the Sheriff was unable to locate the contractors and/or Certified Mail was not delivered, but the Board effected service either by newspaper publication or through the Secretary of State; nevertheless, the contractors were enjoined from further practice of general contracting (including bidding) in an amount of \$30,000 or more until such time as he/she/it becomes licensed by the Board.

**Edward Matchem** (Onslow County; 09C208). Edward Matchem contracted to construct an addition onto a home in Pender County

and was paid \$75,000.00 for work performed. Default Judgment was entered on December 7, 2010.

Don Coble d/b/a Alpha & Omega Roofing Company (Alamance County; 11C02). On June 22, 2010, Don Coble contracted with the Whitehall at Richland Creek Board of Directors to reroof 47 condominium units in 13 buildings for a cost of \$244,605.00. Mr. Coble performed the work and was paid \$244,605.00. In 2008, a couple hired Mr. Coble to repair hail damage to their home and paid him \$55,620.00 for the work. Default Judgment was entered on January 3, 2012.

William Duke Gay, D & D Builders of ILM, Inc., d/b/a D & D Builders, Inc. and DG Builders of ILM, Inc. d/b/a DG Builders, Inc. (New Hanover County; 10C304, 10C306). On November 29, 2010, William Duke Gay contracted to oversee construction and monitor all subcontractors for a fee of 10% of cost of construction of a home which was estimated to be \$225,000.00. Mr. Gay used the license of a licensed general contractor to obtain the building permit without the contractor's knowledge. Mr. Gay altered a license certificate to falsely indicate that "DG Builder Inc." was a licensed general contractor. Pender County revoked the building permit for

misrepresentation. Default Judgment was entered on February 9, 2012.

Antonio Davis d/b/a T and T Construction (Vance County; 11C23). Antonio Davis contracted to renovate a church in Vass for a cost of \$55,000.00. After the work was performed, the roof collapsed. Default Judgment was entered on February 9, 2012.

Donna K. Latta and Michael T. Hunt aka Mike Latta d/b/a D & M Painting & Remodeling (Granville County; 11C106). On May 4, 2010 through September 18, 2010, Donna K. Latta and Michael T. Hunt aka Mike Latta d/b/a D & M Painting & Remodeling undertook repairs to a home in Durham for a cost of \$99,660.00. They also misrepresented themselves as licensed general contractors. Default Judgment was entered on February 9, 2012.

Shaws Brothers, Inc. (Durham County; 11C122). On May 6, 2011, Shaws Brothers, Inc. contracted to repair storm damage to a home in Raleigh for a cost of

\$74,670.00. Default Judgment was entered on February 9, 2012.

Ron Aderhold and RAD Construction Management, Inc. (Buncombe County; 10C290). On March 17, 2010, RAD Construction Management, Inc. contracted to construct a home in Henderson County for a cost of \$315,000.00. Ron Aderhold misrepresented that RAD Construction Management, Inc. was a licensed general contractor. Default Judgment was entered on February 9, 2012.

Stacey Brian Gaylord and Affordable Log Home Concepts, LLC (Nash County; 11C209). On February 19, 2010, Stacey Brian Gaylord and Affordable Log Home Concepts, LLC entered into three contracts to construct a log home in Cherokee County for a total cost of \$90,620.05. Mr. Gaylord duped the homeowner into obtaining the building permit for the home as an owner-builder. Mr. Gaylord and Affordable Log Home Concepts undertook the work and were paid approximately \$88,000.00. However, they abandoned

the job well prior to completion and failed to pay subcontractors for the work performed, leaving the homeowners with an unfinished home and threats of liens. Default Judgment was entered on August 30, 2012.

Helen B. Stallings and Stallings Homes, Inc. (Rowan County 11C204). On February 2, 2011, Helen B. Stallings signed a Construction Contract agreeing to erect a modular home, perform ancillary construction and construct a garage for a cost of \$323,356.00. The Construction Contract listed Stallings Homes, Inc. as the builder; however, Stallings Homes, Inc. had been dissolved six months earlier. Helen B. Stallings used a false license number to obtain the building permit. Helen B. Stallings and Stallings homes, Inc. was paid over \$200,000.00 before abandoning the project without performing the majority of the work. Default Judgment was entered on October 4, 2012.

Spectrum Construction, Inc. (Wake County 11C164). On January 21, 2011, Spectrum Construction, Inc. submitted an estimate to construct





a metal garage, perform foundation repairs, replace wood rot and install HVAC and water and sewer connections to a home in Raleigh for a cost of \$45,585.00. Spectrum Construction, Inc. began work on the project, performed shoddy work and was paid \$36,000.00 before abandoning the project. Default Judgment was entered on November 8, 2012.

**Gary Van Florcke and America's Powersport d/b/a America's Premier Builder** (Jackson County 11C195). On October 15, 2010, Gary Van Florcke and America's Premier Builder entered into a Cost-Plus- Percentage-Fee Agreement to construct a 3500 square foot home in Jackson County. Defendant Van Florcke used the license of a licensed general contractor to obtain the building permit for the project in an apparent unlicensed joint venture. The building permit stated the total cost of the project at \$500,000.00. Defendant Van Florcke superintended and managed the construction of the project. Defendant Van Florcke and America's Premier Builder abandoned the project after unsuccessfully demanding more funds from the homeowner. By that time, the homeowner had paid Defendants \$437,368.46, and the project was only 40-50% complete and had not passed certain Jackson County inspections. On April 12, 2011, Defendant Van Florcke applied for a building permit as an owner-builder to construct a 1596 square foot home in Jackson County for a total cost of \$150,000.00. Defendant Van Florcke executed an Affidavit in connection with the permit which he affirmatively stated his intent to retain the home exclusively for his own use for a minimum of one year after completion and that he was not building a speculation project with the intention of selling the project once completed. On April 25, 2011, Defendant Van Florcke listed the "Brand new home to be constructed"

for sale with Keller Williams Realty for a price of \$265,000.00.

## Voluntary Surrenders

**Boston/South Investments, Inc.** (Henderson Co.; 10C289, 12C40) License No. 47685 – On February 29, 2012, Edward McGinnis, of Boston/South Investments, Inc. voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Brunswick Building & Design Group, Inc. (Brunswick Co.; 11C127) License No. 56075 – On March 7, 2012, Grady F. Watkins, Jr., of Brunswick Building & Design Group, Inc. voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Dolph & S. W. Silvers Construction (Yancey Co.; 11C107) License No. 13764 – On September 4, 2012, S.W. Silvers of Dolph & S.W. Silvers Construction surrendered the corporate license and his examination credentials to the Board. The Board considers surrender of license and examination credentials as permanent revocation.

DDW, Inc. (Chatham Co.; 12C84) License No. 52854 – On September 4, 2012, David H. Daniel, of DDW, Inc, voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

**Mark A. Williamson** (Pender Co.; 10C288) – On November 16, 2012, Mark A. Williamson surrendered his examination credentials to the Board. The Board considers surrender of examination credentials as permanent revocation.

## Unlicensed Contractors Subject to Contempt Sanctions

### Criminal Contempt Case

On December 16, 2002, Wake County Superior Court entered a Consent Order which enjoined **Jamie Sanders d/b/a JS Drafting & Construction** from practicing general contracting in North Carolina unless and until such time as he was properly licensed.

In August 2008, Mr. Sanders contracted to construct a new church in Raeford for a cost of \$200,000.00. He was paid \$89,588.12 for work performed. Mr. Sanders willfully failed to comply with the December 2002 Consent Order in that he contracted for and undertook construction where the cost exceeded \$30,000.00 without first obtaining a valid license. Mr. Sanders acknowledged that he was perpetually enjoined and restrained from practicing general contracting in North Carolina unless and until such time as he was issued a contractor's license.

In a Consent Order signed by a Wake County Superior Court Judge on April 10, 2012, Mr. Sanders was found guilty of Civil Contempt of Court of the Court's December 16, 2002 Order and agreed to make restitution to the church by paying the church \$5,000.00 in order to purge himself of the contempt.





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